

REMARKS

The Final Office Action of October 10, 2006 has been received and carefully reviewed. Applicants note with appreciation the indication in the Office Action that claims 19-22 are allowed, wherein new claims 23 and 24 have been added to depend from allowed independent claim 19 and reciting features similar to original claims 4 and 5, whereby the new claims 23 and 24 are also believed to be allowable, and notice thereof is requested. Entry of the above amendments is requested under 37 CFR §1.116 as presenting the claims in condition for allowance or in better form for consideration on appeal and complying with formal requirements set forth in previous Office Actions, without requiring further searching and without adding new matter. Independent claim 1 has been modified to include the method steps d) through f) recited in cancelled claim 8, and independent claim 12 has been amended above to include the method steps d) through f) of cancelled dependent claim 15, and the remaining claims 1-7, 9-14, and 16-24 are thus believed to be allowable for the reasons set forth below, whereby reconsideration and allowance of the pending claims is respectfully requested.

I. REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. § 103

The Office Action rejected claims 1-18 as being obvious under 35 U.S.C. § 103 in view of Haymes 6,751,443 in view of Souissi 6,298,233. The rejected claims 1-18 include independent claims 1 and 12, which have been amended above to recite the elements of cancelled dependent claims 8 and 15. Reconsideration and allowance of claims 1-7, 9-14, and 16-18 is requested in view of the above amendment and the following remarks.

Claim 1 has been amended above to comprise the features of cancelled dependent claim 8, including steps d) and e) which recite at the powered-up mobile station, receiving information from at least three RF transmitting devices and determining the multiple coordinates forming the position data from the received information. Regarding dependent claim 8 (now cancelled), the Office Action of October 10, 2006 asserts on page 8 that Haymes col. 3, lines 1-10 teaches the mobile receiving information from at least three RF transmitting devices, and that Souissi allegedly teaches at col. 8, lines 5-15 that the mobile determines multiple coordinates forming the position data from the received information. However, these cited portions of Haymes and Souissi, alone or in combination, fail to teach the recited steps d) and e)

of amended independent claim 1, whereby the amended claims 1-7 and 9-11 are nonobvious for at least this reason.

In particular, Haymes col. 3, lines 1-10 provides:

...from the user reporting the error. When three (or more) base stations have established the direction, a triangulation algorithm is used to calculate the exact location of that mobile user. The base station closest or the one receiving the highest signal strength level from that user to that user, transmits an acknowledgment to the mobile unit, and the reporting mobile unit exits the error reporting mode. In some cases there is a constantly updated data base that contains records of all error messages. This data base is processed to extract recurring error trends. This includes locations that are dead...

This cited portion of Haymes appears silent regarding a mobile receiving information from at least three RF transmitting devices. In this regard, the paragraph of Haymes from which this above portion was cited in the Office Action appears to discuss a situation in which a mobile enters an error reporting mode and transmits error messages until it receives an acknowledgement from a base station or until a timeout occurs. The base stations employ a movable directional antenna to traverse an arc and locate the direction of greatest signal strength from the reporting mobile, with the above mentioned triangulation being performed by the base stations, and not a mobile. Thus, the cited portion of Haymes at col. 3, lines 1-10 does not appear to teach or suggest the mobile receiving information from at least three RF transmitting devices as set forth in amended claim 1.

In addition, with respect to cancelled claim 8, the Office Action cites to col. 8, lines 5-15 of Souissi as allegedly teaching that the mobile determines multiple coordinates forming the position data from the received information. This portion of Souissi provides:

FIG. 7 is diagram depicting an exemplary structure for the record of communication difficulty reports 230 in accordance with the present invention. Each row 702 represents a communication difficulty report, comprising an incident code 704, an incident location 706, date and time 708 of the incident, and parameters 710 which are relevant to the report. It will be appreciated that additional columns can be used for providing any additional desired information.

(Souissi col. 8, lines 5-15). Clearly, this portion of Souissi does not teach or even suggest a mobile station determining the multiple coordinates forming the position data from the received information, as set forth in step e) of amended independent claim 1. Rather, the table in Fig. 7 appears to include a structure for the record of communication difficulty reports in the mobile of Souissi, and does not indicate that the mobile determines position data from information received from at least three RF transmitting devices. Therefore, independent claim 1 and remaining dependent claims 2-7 and 9-11 are believed to be patentably distinct from Haymes and Souissi for at least these reasons.

In the above amendment, moreover, independent claim 12 has been modified to include the steps of cancelled claim 15, including step d) at the powered-up mobile station, receiving information from at least three RF transmitting devices, and step e) at the powered-up mobile station, determining the multiple coordinates forming the position data from the received information. In the Office Action at page 9, former dependent claim 15 was rejected "for the same reason as set forth in claim 8". For the same reasons discussed above in connection with amended independent claim 1, the cited portions of Haymes (col. 3, lines 1-10) and Souissi (col. 8, lines 5-15), whether alone or in combination, fail to teach or suggest steps d) and e) of amended independent claim 12, whereby claims 12-14 and 16-18 are non-obvious, and reconsideration and allowance thereof is respectfully requested for at least these reasons.

In addition, Applicants reiterate the arguments in the response to the previous Office Action, wherein Haymes fails to teach or fairly suggest position data being sent by a mobile when the mobile determines that a received pilot strength measurement message is less than a predetermined threshold as set forth in claims 1 and 12, and likewise, the portable subscriber unit 122 of Souissi does not appear to send the report when the parameter reaches the threshold, but rather in response to a request from the controller 112 (see Souissi col. 2, lines 22-27; col. 6, lines 27-30 and 38-51; Fig. 5, col. 7, lines 14-22), whereby neither reference nor the combination thereof teach or suggest these additional elements of independent claims 1 and 12.

Applicants therefore request reconsideration and withdrawal of the rejections of remaining claims 1-7, 9-14, and 16-18 under 35 U.S.C. § 103.

CONCLUSION

For at least the above reasons, the currently pending claims 1-7, 9-14, and 16-24 are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200216.

Respectfully submitted,

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